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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,032	03/27/2006	Osamu Shimamura	NNA-248-B	8018
48980 7590 01/11/2010				
YOUNG BASILE				
3001 WEST BIG BEAVER ROAD				
SUITE 624				
TROY, MI 48084				
EXAMINER				
ARCTERO, ADAM A				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
01/11/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/574,032	Applicant(s) SHIMAMURA ET AL.
Examiner ADAM A. ARCIERO	Art Unit 1795

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3-16 and 20-27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Dah-Wei D. Yuan/
Supervisory Patent Examiner, Art Unit 1795

/Adam A Arciero/
Examiner, Art Unit 1795

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed December 14, 2009 have been fully considered but they are not persuasive.

Applicant's principal arguments are:

- a) Neither Hisamitsu nor Delnick disclose individual insulating particles having a plurality of interstitial spaces therebetween, with electrolytes occupying at least some of the interstitial spaces. Each insulating particle in the pattern is selectively arranged directly on one of the cathode or anode, separating said cathode from said anode (Claim 1).
- b) Hisamitsu and Delnick do not reach or suggest the method of claim 10 (claim 10).
- c) Examiner is ignoring the polymer binder of the Delnick separator (claims 1 and 10).
- d) Kung fails to disclose individual insulating particles having a plurality of spaces between, with electrolytes occupying said spaces (claim 3).

In response to Applicant's arguments, please consider the following comments.

- a) Hisamitsu et al. teaches of a lithium ion battery wherein an ink-jet printing method is used for forming all layers of said battery (pg. 3, [0038]-[0039]). Hisamitsu et al. further discloses that the layers formed by the ink-jet method are formed in predetermined patterns (pg. 3, [0039]). Hisamitsu et al. disclose wherein the anode and cathode are separated by the electrolyte layer (Abstract). Hisamitsu et al. does not disclose the electrolyte layer containing individual insulating particles. Delnick teaches of an electrolyte layer, comprising a separator structure having a plurality of individual insulating particles such as alumina or silica (col. 5, lines 36-57). Hisamitsu et al. does not disclose wherein the electrolytes occupy the interstitial spaces of the separator material. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the electrolytes of Delnick via ink-jet printing into the electrolyte layer formed by Hisamitsu et al. method because Delnick teaches that the electrolytes can be uniformly and accurately distributed throughout the interstitial spaces of the electrolyte layer.
- b) Hisamitsu et al. discloses using an ink-jet method for forming an electrolyte layer in a predetermined pattern. Delnick teaches an electrolyte layer comprising the same materials recited in claim 1.
- c) The Examiner is not ignoring the binder of the Delnick separator. Examiner is treating the claim 1 language, "consisting essentially of" as not excluding other elements, such as the binder of Delnick, since the structure of the separator material is further limited in other dependent claims.
- d) Kung was used to modify the void ratio of the electrolyte layer of Hisamitsu et al. and Delnick.